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Viewing cable 09BOGOTA1334, COLOMBIA DCA TALKS MOVE AHEAD DESPITE OBSTACLES

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Reference ID	Created	Released	Classification	Origin
09BOGOTA1334	2009-04-23 16:52	2011-08-30 01:44	CONFIDENTIAL	Embassy Bogota

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PP RUEHWEB

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SUBJECT: COLOMBIA DCA TALKS MOVE AHEAD DESPITE OBSTACLES

REF: A. BOGOTA 0438

1B. BOGOTA 0955

Classified By: Ambassador William R. Brownfield
Reasons 1.4 (b and d)

SUMMARY

11. (C) U.S. and Colombian delegations reached tentative agreement on more than half of the draft text during round three of the Defense Cooperation Agreement (DCA) negotiations in Bogota on April 14-16. Still, key provisions remain unresolved, with the GOC insisting it cannot meet some U.S. requests without violating Colombian law. The GOC conceded that these legal issues could be overcome if Colombia's congress were to ratify the agreement, but stressed the Uribe administration was unwilling to seek congressional approval because of political sensitivities. The GOC considers conclusion of the DCA to be conditioned on U.S. agreement to address GOC requests for access to U.S. supplies in the event of a national emergency and consideration of other security-related assistance. The two delegations agreed to meet again on May 19-21 to continue the DCA talks. End summary.

DCA ROUND THREE

12. (C) U.S. and Colombian delegations convened in Bogota on April 14-16 for the third round of negotiations on the DCA. Deputy Foreign Minister Clemencia Forero, Deputy Defense Minister Juan Pinzon, and Deputy Defense Minister Sergio Jaramillo led the Colombian delegation. PM Senior Advisor Ambassador Jackson McDonald headed the U.S. delegation consisting of State and DOD representatives. The delegations made slow but steady progress, reaching agreement on approximately half of the proposed 27 articles in the draft DCA agreement.

KEY STICKING POINTS REMAIN

13. (C) Still, several key provisions remain unresolved, including issues related to jurisdiction, exemptions from fees and inspection, the right to carry weapons, and waivers of claims. Pinzon said that while he understood such terms were critical from the U.S. perspective, the GOC could not cede on these issues without risking a violation of Colombian law. He conceded that these legal concerns could be overcome if the agreement were to be submitted and approved by Colombia's Congress, but stressed that President Uribe wanted to avoid such a public debate due to domestic political sensitivities. Pinzon acknowledged that with respect to some of the contentious provisions, such as the right of U.S. personnel to carry weapons, current practice (which allows personnel to carry weapons) was working well. He cautioned, however, that the GOC could not codify these practices in the DCA because of legal and political constraints.

14. (C) Jaramillo told us after the negotiations concluded that the U.S. was pressing for terms that the GOC simply could not deliver. Insistence on these provisions could scuttle a deal, and jeopardize existing arrangements governing U.S. military personnel in Colombia. Colombian Ambassador to the United States Carolina Barco told us submitting the deal to Congress in the run-up to Presidential and Congressional elections in 2010 could delay any agreement and turn relatively non-controversial current cooperation efforts into a political football.

DCA DEBATED IN THE PRESS

15. (U) An April 17 editorial in Colombian daily "El Espectador" titled "The Mysterious Transfer of the Manta Base" argued that the DCA issues should be debated publicly and not in secrecy. The editorial discounted statements by Foreign Minister Jaime Bermudez that the DCA were simply accords aimed at increasing long-standing bilateral

counter-narcotics cooperation, arguing that "A U.S. base on Colombian soil and the transfer of war equipment designed to intimidate and exert pressure is no small matter." Leading weekly "Semana" magazine carried an article on April 14 titled "Gringo Military Bases in Colombia?" quoting

ex-minister of Defense Rafael Pardo that it would be a diplomatic error to permit U.S. bases in Colombia, since such a move would compromise relations with Colombia's neighbors and, possibly, the region.

GOC INSISTS ON QUID PRO QUO

¶16. (C) Pinzon said his instructions were to proceed as quickly as possible on the DCA, but that progress on the DCA was ultimately linked to additional agreements on security assistance, such as GOC access to U.S. supplies and equipment in the event of a national emergency. He noted such assistance would be needed to help the GOC sell the DCA to the Colombian public. Pinzon indicated that the GOC would likely delay signing a DCA--if a final agreement on the text is reached--pending resolution of the new GOC requests (the so-called "Track II" issues.) Jaramillo told us on April 16 that the GOC's request for additional security commitments comes from President Uribe.

NEXT STEPS

¶17. (C) Despite the obstacles, talks have progressed more rapidly than is normal for this type of agreement, and the delegations agreed to meet for a fourth round of DCA negotiations in Colombia on May 19-21. The two sides also agreed to continue exchanging proposals on remaining bracketed text in the interim. Ambassador Brownfield and Foreign Minister Jaime Bermudez discussed the status of the talks on April 14, along with the possibility of putting talks temporarily on hold (as current engagement continues) in the event we are unable to overcome remaining differences on "must have" provisions.

¶18. (U) This cable was reviewed by Ambassador McDonald.
BROWNFIELD

=====CABLE ENDS=====